

**State of New Hampshire
Office of Licensed Allied Health Professionals
Speech-Language Pathology Governing Board
Concord, New Hampshire**

In the Matter of:
Lauren R. Hardacre
(Application for Provisional Licensure)

ORDER ON APPLICATION DENIAL

The New Hampshire Governing Board of Speech-Language Pathology ("Board") received an incomplete application¹ for Provisional Licensure on October 20, 2009 from Ms. Lauren R. Hardacre ("Ms. Hardacre" or "Applicant") for the practice as a Provisional Speech-Language Pathologist during her Clinical Fellowship Year ("CFY") in the State of New Hampshire. For the following reasons, the Board has voted to **DENY** the Ms. Hardacre's application for provisional licensure.

Background

On August 2, 2009, Ms. Hardacre called the Board's office to obtain an application packet. On August 4, 2010, the application packet was mailed to her which contained the following items:

1. A cover letter describing the application process, containing information an applicant would need during the application process, and listing the required documents, Exhibit #1;
2. A blank application;
3. A privacy act notice and renewal timeline;
4. The laws and rules for both the Office of Licensed Allied Health Professionals (RSA 328-F and Allied Health Administrative Rules) and Speech-Language Pathology Governing Board (RSA 326-F and Speech-Language Pathology Administrative Rules).

¹ The supporting documents that have been submitted are as follows:

- Transcripts for a Bachelor of Science Degree awarded May 20, 2006;
- One Letter of Reference from Megan Overby, PhD, CCC-SLP; and
- Resume.

The following documents had **NOT** been submitted to complete the application process:

- Transcripts for the Masters Degree;
- Praxis Scores;
- Supervision Form;
- One Letter of Reference; and
- Documentation from Supervised Clinical Practicum.

On May 6, 2010 Board staff member Melody Williams ("Ms. Williams"), a licensing clerk, received a phone call from Ms. Hardacre requesting her CFY paperwork (Supervision Form, Report and Rating Form, and instructions) because she had never received them.² She further stated that her CFY was almost complete. Ms. Williams stated she would put the requested material in the mail and the conversation ended. Ms. Williams then pulled Ms. Hardacre's file and saw that it was still under pending status.

Ms. Williams consulted with Traci Weber ("Ms. Weber"), the Board's Executive Secretary, with regards to the conversation. Ms. Weber noted that Ms. Hardacre had never been issued a provisional license and that she had listed a place of employment on her application. Ms. Weber attempted to call Ms. Hardacre's home but no one answered. Ms. Weber then called the place Ms. Hardacre had listed as her employer and spoke with someone who confirmed that Ms. Hardacre was currently practicing as a speech-language pathologist at the Parker-Varney Elementary School.

Later on the date of May 6, 2010, Ms. Hardacre returned Ms. Weber's phone call. Ms. Weber asked Ms. Hardacre if she was currently practicing and she answered in the affirmative. Ms. Weber then asked Ms. Hardacre to hold and informed her supervisor, Tina Kelley ("Ms. Kelley"). Ms. Kelley retrieved the telephone and confirmed with Ms. Hardacre that she was practicing as a provisional speech-language pathologist. Ms. Hardacre indicated that she had received documentation from the Board stating she could practice as a provisional licensee. Upon further inquiry it was determined that Ms. Hardacre was in possession of a letter from the Department of Education for an "Alternative IV Statement of Eligibility" and not a provisional license from the Board. During this conversation Ms. Hardacre was informed that because she did not have a license, she must cease practicing immediately.

On May 5, 2010, Ms. Hardacre provided the Board's office with a letter stating she had been practicing since August of 2009 and an explanation of why she practiced without a license. Ms. Hardacre also provided a copy of the letter from the Department of Education.

² It is the Board's regular business practice to mail the CFY paperwork upon a request of application and would have been mailed out to the Applicant with all other application materials. The Applicant's current claim that she never received the CFY materials does not relieve her of the obligation to comply with the rules of the Board. Compare with RSA 328-F:19, IV. In accordance with the rules, it is the Applicant's responsibility to ensure that the Board has received the Supervision Form (which denote the applicant's supervisor will be for the provisional year) prior to working. Likewise, it is the Applicant's responsibility to ensure that the Board receives the Report and Rating Form (which is filled out by the applicant's supervisor and evaluates the applicant on the provisional period) at the end of the provisional year and as a condition for receipt of full licensure.

Relevant Law:

RSA 326-F:3:

- I. To be eligible for initial licensure as a speech-language pathologist an applicant shall:
 - (a) Demonstrate sufficient evidence of good professional character and reliability to satisfy the board that the applicant shall faithfully and conscientiously avoid professional misconduct and adhere to this chapter, RSA 328-F and the board's rules.

RSA 326-F:8:

- II. Any person who states or implies by word or act that he or she is currently licensed to practice speech-language pathology at a time when she or he does not hold a currently valid license shall be guilty of a misdemeanor.

RSA 328-F:23:

- II. Misconduct sufficient to support disciplinary proceedings shall include:
 - (c) Violation of the ethical standards adopted by the governing board.
 - (i) Practice without a currently valid license.

Ath 404.02:

Misconduct shall be:

- (h) Practicing without a currently valid license or certificate; and;
- (i) Violating:
 - (1) Any provision of RSA 328-F;
 - (2) Any provision of RSA 326-F;
 - (3) Any rule adopted by the board; or.....

Findings of Fact and Rulings of Law:

- The law is clear that one may not engage in the practice of speech-language pathology in the State of New Hampshire without a license. The Applicant was provided with a copy of this law on August 4, 2010^{SA} when she first obtained an application packet from the Board. Moreover, Ms. Hardacre was in receipt of the application cover letter, which states in bold, block letters not to work “until you have your license in hand.”
- The Board’s Office mailed the original application and subsequent notifications that the Application was not complete on 8/4; 9/3; and 10/14 respectively. The Board can find receipt of these notices as the Applicant returned the application form each time, namely 8/31; 10/13 and 10/20 respectively.

- Ms. Hardacre engaged in the practice of speech-language pathology without a valid provisional license from the State of New Hampshire Speech-Language Pathology Governing Board for the Manchester School District in the Selma Deitch Early Learning Program contracted for Ms. Hardacre by Soliant Health Staffing Company from August of 2009 through the May of 2010.
- Additional indicia that Ms. Hardacre did not intend to abide by the Board's statutes and rules is shown by the evidence that Ms. Hardacre accepted employment and began working in August 2009 but submitted an application for licensure for the first time on August 31, 2009.
- The Board finds that the Applicant has violated RSA 326-F:3, I; RSA 326-F:8, II; RSA 328-F:23, II (c) and (i); and Ath 404.02(h) and (i).

Conclusion:

For the reasons stated above, the Applicant's application for licensure is **DENIED**.

THEREFORE IT IS ORDERED this Order on Application Denial ("Order") will become a 'final order' within fifteen (15) days of the effective date of this Order, as defined further below, unless prior to 4:00 p.m. on the fifteenth day of the effective date of this Order the Board receives a written request for a hearing; and

IT IS FURTHER ORDERED that receipt of a timely filed hearing request shall automatically stay this Order and a further order shall be issued in due course in which the Board establishes a date and time of the hearing, and specifies the issues to be heard; and

IT IS FURTHER ORDERED that any hearing held in response to this Order shall be a non-adjudicatory hearing conducted pursuant to RSA chapter 326-F; RSA chapter 328-F and RSA chapter 541-A. The Applicant may request to be heard on any relevant matter of law or fact, but evidentiary proceedings shall be conducted only to the extent the Applicant has identified disputed factual issues which require resolution. This non-adjudicatory hearing will be conducted in non-public session unless the Applicant makes a timely written request to conduct it in public session. Subsequent to such hearing, the Board will issues a 'final order' within the statutory amount of time; and


IT IS FURTHER ORDERED that by analogy to RSA 318:31, V, a 'final order' is a public document; and

IT IS FURTHER ORDERED that once a Board order is a 'final order' in accordance with either of the circumstances outlines above, the Applicant has thirty (30) days to file a request for reconsideration pursuant to RSA 541:3. Such motion shall comply with RSA 541:4.

IT IS FURTHER ORDERED that this Order shall take effect as an Order of the Board on the date it is signed by an authorized representative of the New Hampshire Governing Board of Respiratory Care Practitioners.

BY ORDER OF THE BOARD

May 20, 2010



Tina M. Kelley
Authorized Representative of the Board